

STATE OF MARYLAND  
MARYLAND DEPARTMENT OF THE ENVIRONMENT  
Shari T. Wilson, Secretary

**BILL NO:** House Bill 422

**COMMITTEE:** Environmental Matters

**POSITION:** Support

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**TITLE:** Department of the Environment – Lead Paint Renovation Training –  
Regulatory Authority

**BILL ANALYSIS:**

This bill would provide the Department with the authority to implement new federal requirements regulating renovation activities that create a risk of exposure to lead-based paint. Currently, under its existing authority, the Department regulates contractors and other persons who perform lead paint risk reduction activities in pre-1950 residential rental housing and those who offer and perform lead paint abatement services in residential housing and commercial, industrial or government buildings. Those persons are required to be properly trained and accredited and to comply with safe work practices when performing lead paint risk reduction or abatement work. The Department's existing authority to require training and accreditation does not, however, extend to regulation of renovation activities that are not undertaken *for the express purpose of eliminating or reducing lead paint hazards*, but which nonetheless may disturb lead based paint and present the very same exposure risks to young children, pregnant women and workers. This bill would amend Title 6, Subtitle 10 of the Environment Article to provide the Department with the authority to adopt regulations requiring training, accreditation and use of safe work practices by contractors and other persons performing renovation activities in pre-1978 buildings, including homes, child care facilities and schools. The bill also authorizes the Department to establish fees by regulation for accreditation and training. The fees would be deposited in the Lead Accreditation Fund and would be used to support the Department's lead paint accreditation programs.

**POSITION AND RATIONALE:**

The Department supports House Bill 422. The Department seeks this legislation in order to implement new federal requirements that address the risks of exposure to lead-based paint from renovation activities. Under EPA regulations adopted in 2008, beginning in April of this year, contractors, maintenance workers and others engaged in specialty trades who perform renovation, repair or painting projects that disturb lead-based paint in homes, child care facilities or schools built before 1978 must be certified and employ specific safe work practices to prevent lead contamination. Expansion of the Department's authority to regulate these activities will allow MDE to request delegation from EPA to implement the federal program in Maryland. Without this additional authority, the Department will not be able to implement a State program

governing renovation activities and the new federal regulations will be implemented in Maryland by EPA.

Maryland is recognized nationally as a leadership state in the area of lead paint regulation and has a strong interest in receiving federal delegation for this new program regulating renovation activities. We have had great success in reducing the incidence and severity of childhood lead poisoning in Maryland's residential rental properties through our existing regulatory programs. Statewide, the percentage of children tested with blood lead levels equal to or greater than 10µg/dL, the current level of concern, has dropped from 24% in 1993 to less than 1% in 2008. In Baltimore City, for the same period, the percentage has dropped from 34% to 2.5%. We continue, however, to see new cases of lead poisoning. Statewide, 62% (50% for Baltimore City) of the children who tested with an elevated blood lead level in 2008 lived in owner-occupied properties or in rental properties built between 1950 and 1978, which are not subject to Maryland's current lead paint risk reduction law. Lead poisoning in owner-occupied homes is now the leading cause of new childhood lead poisoning cases in Maryland. One of the ways that children are exposed to lead paint in owner-occupied housing is through improper renovation activities. Expanding the State's regulatory authority to renovation activities is necessary to advance the State's goal to eliminate childhood lead poisoning altogether.

**FOR MORE INFORMATION,**  
**CONTACT LISA NISSLEY**  
**410-260-6301 ANNAPOLIS**  
**410-537-3812 BALTIMORE**